

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DANNY JOHNSTON,

Plaintiff and Counter-Defendant.

V.

PATRICIA ANN JOHNSTON,

Defendant and Counter-Plaintiff.

CASE NO. 6:23-cv-413-JDK-KNM

V.

EAST TEXAS OIL FIELD
CONSTRUCTION, LLC,

Counter-Defendant.

§

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the Court is Counter-Plaintiff Patricia Johnston's Motion for Contempt and Sanctions. Docket No. 14. This case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On July 8, 2024, Judge Mitchell issued a Report recommending that the Court deny Patricia Johnston's Motion for Contempt and Sanctions. Docket No. 63. No written objections have been received.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court


examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 63) as the findings of this Court and **DENIES** Counter-Plaintiff Patricia Johnston's Motion (Docket No. 14).

So ordered and signed on this

Aug 5, 2024


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE